

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 6, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-30693 – APPLICANT/OWNER: GARNON, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for an Auto Repair Garage, Major use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The storage container located adjacent to the west side of the building is to be removed before the issuance of a business license for an Auto Repair Garage, Major.
4. The storage container located within the southwest corner of the subject site is to be painted to match the existing building and relocated in accordance with Title 19.08.050 Commercial Development Standards before the issuance of a business license for an Auto Repair Garage, Major.
5. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.
6. The parking lot is to be striped in compliance with Title 19.04 parking requirements for an Auto Repair Garage, Major, demonstrating at a minimum nine (9) standard parking spaces and one (1), van accessible handicap parking space.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow an Auto Repair Garage, Major with a Waiver to allow the service bays to face the public right-of-way at 4201 W. Charleston Boulevard.

An associated application for a General Plan Amendment (GPA-32424) has been submitted in conjunction with this Special Use Permit request as the subject site has a General Plan designation of SC (Service Commercial). Although the subject site is zoned C-2 (General Commercial), the current land use designation of SC (Service Commercial) does not allow the C-2 (General Commercial) district which allows the Auto Repair Garage, Major use. Due to the intensity of the land use proposed and the incompatibility with the surrounding land uses, staff is recommending denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/03/76	The Board of City Commissioners approved a request for a Reclassification of Property (Z-0071-76) from C-1 (Limited Commercial) to C-2 (General Commercial) to allow proposed retail tire sales at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
06/06/79	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0071-76) to allow a new franchise car dealership in addition to the existing new tire sales operation at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
04/23/81	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0015-81) to allow a major brake repair operation at 4201 West Charleston Boulevard.
06/23/92	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0122-92) to allow a truck and trailer rental service with a maximum of four trucks or trailers at 4201 West Charleston Boulevard.
11/05/08	Code Enforcement processed a complaint (Case #71570) for possible code violations at 4201 West Charleston Boulevard. The case was resolved on 11/20/08.
04/09/09	<p>The Planning Commission recommended denial of companion item GPA-32424 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #22/ne).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
08/29/96	A business license (#G02-00351) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license was marked out on 09/03/08.

07/02/08	A building permit (#119020) was issued for a perimeter wall at 4201 West Charleston Boulevard. The permit was finalized on 08/13/08.
07/15/08	A business license (#G02-00817) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license is active.
<b>Pre-Application Meeting</b>	
11/14/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit for an Auto Repair Garage, Major were discussed.
<b>Neighborhood Meeting</b>	
02/10/09	<p>A neighborhood meeting was held for the associated General Plan Amendment application :</p> <p>Start: 5:40pm End: 6:15pm</p> <p>Applicant: 3 Public: 7 Staff: 1 (Planning &amp; Development)</p> <p>The applicant explained that they would be doing major auto repair (transmission repair, engine replacement), and that they also needed approval for the storage containers. It was stated that there would be no significant changes to the existing building on the site.</p> <p>The following question and concerns were raised from the public:</p> <ul style="list-style-type: none"> <li>• Members of the public were generally unconcerned with the proposed auto repair use, but did have concerns about test drives being conducted on Vista Drive and in the residential neighborhood to the south.</li> <li>• There were concerns about an excessive number of cars awaiting repairs being parked on the site.</li> <li>• Residents expressed a desire to see landscaping on the site; the applicant stated that he was amenable to installing landscaping if there was adequate room.</li> <li>• Residents noted that the painting of the building and the construction of the wall at the rear of the property were an improvement.</li> </ul> <p>The applicant committed to work with staff to see if landscaping could be installed at the perimeter of the property, and also agreed that no test drives would be conducted in the residential neighborhood.</p>
<b>Field Check</b>	
10/17/08	During a routine site visit, staff observed automobiles for sale, storage containers, non-permitted temporary signage, and a wrecked, abandoned car parked along the east perimeter of the subject site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.35

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Auto Repair Garage - Minor	SC (Service Commercial)	C-2 (General Commercial)
North	Vacant Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
South	Specialty Food Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant Tavern (Skinny Dugan's)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Vacant Commercial Building (Carpeteria)	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District – 175 Feet	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

*\*No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitation and the proposed Auto Repair Garage, Major will not alter the building height. The existing building does not violate the height limitations.*

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Major	1,075 SF	5 spaces, plus one space for each 200 square feet of gross floor area.	9	1	13	1	Y
SubTotal			9	1	13	1	
TOTAL (including handicap)			10		14		

<b>Waiver</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Service bays to be allowed to face the public right-of-way (Charleston Boulevard).	Openings in service bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.	Denial

## ANALYSIS

### •Zoning

The subject site has a land use designation of SC (Service Commercial). The (SC) Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The (SC) Service Commercial category may also allow mixed-use development with a residential component where appropriate.

In 1976, the subject site was Reclassified from C-1 (Limited Commercial) to C-2 (General Commercial) to allow for tire sales. The City of Las Vegas adopted the Las Vegas 2020 Master Plan in 2000 designating the subject site as SC (Service Commercial). Although the subject site is zoned C-2 (General Commercial), the current land use designation of SC (Service Commercial) does not allow the C-2 (General Commercial) district which allows the Auto Repair Garage, Major use. The applicant is seeking to Amend the General Plan from SC (Service Commercial) to GC (General Commercial) to have the appropriate land use designation for the existing C-2 (General Commercial) district in order to obtain a Special Use Permit for the subject site to allow for an Auto Repair Garage, Major.

The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the SC (Service Commercial) category of the General Plan.

The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential developments and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the GC (General Commercial) category of the General Plan.

#### ●Use

Title 19.04 defines an Auto Repair Garage, Major as a facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. This use includes a facility which performs any repairs to vehicles with a gross vehicle weight over 10,000 pounds. An Auto Repair Garage, Minor is defined as a facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, and other similar activities. This use also includes the repair and installation of other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.

● **Minimum Special Use Permit Requirements:**

1. All repair and service work shall be performed within a completely enclosed building.
2. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
3. Openings in service bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. All disabled or wrecked vehicles shall be stored in an area that is screened from view from the surrounding properties and adjoining streets.
5. Outdoor hoists are prohibited.
6. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable Federal, State, and local regulations.
7. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.
8. Outdoor bells and loudspeakers are prohibited.

The subject site is not in compliance with condition number three (3). A Waiver has been requested to allow for the service bays to face the public right-of-way.

● **Waiver**

The subject site is an existing Auto Repair Garage, Minor within an existing non-conforming building constructed in 1957. The existing service bays face Charleston Boulevard, not complying with condition number three of Title 19.04 Special Use Permit requirements, requiring the service bays to not face the public right-of-way. A Waiver has been requested to allow the service bays to face the public right-of-way.

● **Site Plan**

The applicant has proposed no changes to the existing site. The site plan demonstrates an existing Auto Repair Garage, Minor, with two canopies, a shop and office area, and a rear yard that is enclosed by a six-foot block wall installed by the applicant. The subject site currently does not have the required parking lot striping. A condition has been added requiring the applicant to stripe the parking lot in accordance with Title 19.04 parking requirements for an Auto Repair Garage, Major.

There are two (2) storage containers located on the subject site; the first storage container is located in the far southwest corner of the subject site, with the second storage container located adjacent to the east side of the building with an access doorway constructed from the interior of the repair garage to the storage container. The applicant purchased the property not knowing the storage containers were put into place illegally, and has worked with Planning and Development for a solution for the storage containers. The Department of Building and Safety has determined that this type of storage container is not capable of being fire rated and requires them to be located 10 feet away from another structure. The applicant has agreed to remove the storage container located adjacent to the east side of the building, and to relocate the storage container located in the far southwest corner of the subject site in compliance with Title 19.08.050 Commercial Development Standards. A condition has been added to ensure compliance for both existing storage containers.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Although the subject site is zoned C-2 (General Commercial), the current land use designation of SC (Service Commercial) does not allow the C-2 (General Commercial) district which allows the Auto Repair Garage, Major use. Staff finds that the proposed Auto Repair Garage, Major is too intense for the subject location and is not compatible with the surrounding area, as the applicant has submitted an associated General Plan Amendment (GPA-32424), to amend the General Plan from SC (Service Commercial) to GC (General Commercial)

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type of use, however not the intensity of the use as a General Plan Amendment (GPA-32424) from SC (Service Commercial) to GC (General Commercial) is required to allow the Auto Repair Garage, Major use on the subject site. The current land use designation of SC (Service Commercial) does not allow the more intensive use of an Auto Repair Garage, Major.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**



The subject site is located on the southwest corner of Vista Drive and Charleston Boulevard. Site Access is provided for by Charleston Boulevard, a 100-foot Primary Arterial, and Vista Drive, a 60-foot Collector Street, defined by the Master Plan of Streets and Highways. Both roadways are adequate to meet the traffic needs of this use.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Auto Garage, Major is subject to State of Nevada and City of Las Vegas inspections and would not compromise public health or safety. However, approval of this Special Use Permit would be inconsistent with the overall objectives of the General Plan as the proposed use is too intense, and therefore not compatible with the adjacent surrounding land uses.

**5. The use meets all of the applicable conditions per Title 19.04.**

The subject site is an existing Auto Repair Garage, Minor within an existing non-conforming building constructed in 1957. The existing service bays face Charleston Boulevard, not complying with condition number three of Title 19.04 Special Use Permit requirements, requiring the service bays to not face the public right-of-way. A Waiver has been requested to allow the service bays to face the public right-of-way.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

15

**ASSEMBLY DISTRICT**      3

**SENATE DISTRICT**      11

**NOTICES MAILED**      146 by City Clerk

**APPROVALS**      2

**PROTESTS**      0